



If a defendant to be added had sufficient notice within the statute of limitation period of the filing of a complaint, that he was the proper party to a lawsuit, then such proposed amendment should be granted. Richmond v. McElyea, 130 F.R.D. 377; (E.D. Tenn. 1990); Smith v. TWServices, Inc., 142 F.R. D. 144 (M.D. Tenn. 1991); Stewart v. Shelby Tissue, Inc., 189 F.R.D. 357 (W.D. Tenn. 1999). In this case, Long was aware, as an officer of the City, of the Complaint being filed, and was also aware it was not Crosby who actually terminated the Plaintiff but him, thus, he is not prejudiced and this motion should be granted.

The Plaintiff attaches to this Motion his proposed Amended Complaint

Respectfully submitted,

/s/ Phillip L. Davidson  
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### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served electronically to Hon. Robyn Beale Williams, Farrar & Bates, LLP, 211 Seventh Avenue No., Suite 420, Nashville, TN 37219, on this the \_\_\_\_ day of \_\_\_\_\_, 2007.

/s/ Phillip L. Davidson  
Phillip L. Davidson